



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,836	02/03/2004	Lauri Paatero	915-008.020	9737

4955 7590 11/30/2007
WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE, CT 06468

EXAMINER
CHEN, SHIN HON

ART UNIT	PAPER NUMBER
2131	

MAIL DATE	DELIVERY MODE
11/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/771,836

Applicant(s)

PAATERO, LAURI

Examiner

Shin-Hon Chen

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/20/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-~~24~~ have been examined.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-3, 8-10 and 22-24 are rejected under 35 U.S.C. 102(a) as being anticipated by Cassagnol et al. U.S. Pub. No. 20020129245 (hereinafter Cassagnol).
4. As per claim 1, Cassagnol discloses a method for providing an application for installation and execution on a terminal device, the terminal device being arranged with a secure environment to which access is strictly controlled by a terminal device processor (Cassagnol: [0011]), the method comprising: securely providing the device with an encrypted application from a server device via a secure channel for said installation and execution on said device (Cassagnol: [0011]: receive encrypted information; [0043]: allow decrypt, execute, and re-encrypt of software within the secure environment); receiving, at said secure environment, via a secure channel, from a server device, a first key for decrypting sad encrypted application (Cassagnol: [0111]: receiving decryption key from key server through secure channel for decrypting encrypted communication); decrypting, in the secure environment, said encrypted application (204) by means of said first key (Cassagnol: [0025]: decrypt with first key); re-

encrypting, in said secure environment, the application by means of a second key (Cassagnol: [0025]: re-encrypt data with second key); and storing, outside said secure environment, the re-encrypted application (Cassagnol: [0043]: the re-encrypted information is stored externally).

5. As per claim 2, Cassagnol discloses a method for providing an application for installation and execution on a terminal device, the terminal device being arranged with a secure environment to which access is strictly controlled by a terminal device processor (Cassagnol: [0011]), the method comprising: providing the terminal device with an encrypted application (Cassagnol: [0011]: receive encrypted information); receiving, at said secure environment, via a secure channel, from a server device, a first key for decrypting said encrypted application (Cassagnol: [0111]-[0112]: receiving key from key server through secure channel); encrypting, in said secure environment, said first key by means of a second key (Cassagnol: [0058]: the encrypted key is stored externally); and storing, outside said secure environment, the encrypted first key (Cassagnol: [0058]).

6. As per claim 3, Cassagnol discloses the method according to claim 1. Cassagnol further discloses encrypting, in said secure environment (205), said first key by means of the second key; and storing, outside said secure environment (205), the encrypted first key (Cassagnol: [0058]: keys are encrypted and stored externally).

7. As per claim 8-10 and 22-24, claims 8-10 and 22-24 encompass the same scope as claims 1-3. Therefore, claims 8-10 are rejected based on the same reason set forth above in rejecting claims 1-3.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4-6, 11-13, 15-17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cassagnol in view of Matyas et al. U.S. Pat. No. 7051211 (hereinafter Matyas).

10. As per claim 4, Cassagnol discloses the method according to claim 1. Cassagnol does not explicitly disclose wherein said second key is symmetric and can be derived from the application (202). However, Matyas discloses generating a new key for re-encrypting protected software derived from the software (Matyas: column 10 lines 26-46: new key is generated from S and K and S is provided along with application). It would have been obvious to one having ordinary skill in the art to generate a new key based on information provided in the application because the derived information can be used as a seed in generating new key. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to

combine the teachings of Matyas within the system of Cassagnol because it prevents malicious from using the first key by generating a new key based on additional information.

11. As per claim 5, Cassagnol discloses the method according to claim 4. Cassagnol as modified further discloses wherein said second key is comprised in the application (202) itself (Matyas: column 10 lines 26-46).

12. As per claim 6, Cassagnol discloses the method according to claim 4. Cassagnol as modified further discloses wherein said second key is generated in the secure environment (205) using an application seed (Cassagnol: [0025]: generating new key in the secure environment).

13. As per claim 11-13, 15-17 and 19-20, claims 11-13 encompass the same scope as claims 4-6. Therefore, claims 11-13, 15-17 and 19-20, claims 11-13 are rejected based on the same reason set forth above in rejecting claims 4-6.

14. Claims 7, 14, 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cassagnol in view of Takeuchi et al. U.S. Pat. No. 6647495 (hereinafter Takeuchi).

15. As per claim 7, Cassagnol discloses the method of claim 1. Cassagnol does not explicitly disclose wherein multiple keys can be transferred successively on the secure channel into the secure environment, each key being used to decrypt a corresponding encrypted application in the secure environment. However, Takeuchi discloses transmitting decryption key when protected

software is transmitted to the program execution program (Takeuchi: figure 1). It would have been obvious to one having ordinary skill in the art to process different software with different keys sequentially. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Takeuchi within the system of Cassagnol because it is well known in the art to process multiple software within a single processor.

16. As per claim 14, 18 and 21, claims 14, 18 and 21 encompass the same scope as claim 7. Therefore, claims 14, 18 and 21 are rejected based on the same reason set forth above in rejecting claims 7.

Response to Arguments

17. Applicant's arguments filed on 9/20/07 have been fully considered but they are not persuasive.

Regarding applicant's remarks, applicant argues that the present invention is about "securely providing and installing software". However, examiner disagrees. Cassagnol discloses that the information received by the secure environment includes software that can be decrypted and executed within the secure environment (Cassagnol: [0043]: decrypt and execute; [0053]: encrypted information can be imported and exported over network connection).

On the other hand, applicant argues that Cassagnol does not disclose receiving, at said secure environment, via a secure channel, from said server device, a first key for decrypting said encrypted application". However, Cassagnol discloses the device communicated with key server

to establish the first key for decrypting encrypted communication (Cassagnol: [0111]).

Therefore, applicant's argument is traversed.

Conclusion

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shin-Hon Chen whose telephone number is (571) 272-3789. The examiner can normally be reached on Monday through Friday 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
10/771,836
Art Unit: 2131

Page 8

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shin-Hon Chen
Examiner
Art Unit 2131

SC


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100